

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 12/28/2004, having a shortened statutory period for response set to expire 03/28/2005, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Oath/Declaration

1. The Declaration stands rejected because it was not signed or dated. A copy of the Declaration as signed and dated is enclosed herewith.

Claim Rejections – 35 U.S.C. § 102

2. Applicant acknowledges the quotation of 35 U.S.C. § 102(b).

3. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Caverly. Reconsideration and withdrawal of this ground of rejection is requested because Caverly teaches away from the claimed invention. It is important to note that a person pouring acid from carboy *A* must grasp the Caverly device at rocker *C* and tilt the Caverly device in a counterclockwise direction as drawn, *i.e.*, toward the user's hand. This endangers the user because the acid could pour onto said hand. The carboy of Claverly has no handle. Grabbing the spout at the top of the carboy would be contraindicated because the acid within the carboy could easily splash onto the hand during the acid-pouring procedure. There is no way to tilt the carboy without placing one's hands forwardly of the carboy spout, in the path of the flowing acid.

In sharp, distinctive, and patentable contrast, Applicant's novel device includes no handle. Instead, Applicant requires the user to grasp the handle of the liquid container supported by the novel base, *i.e.*, not the base itself as in Caverly. Advantageously, the handle is positioned behind the container spout when the novel device is rotated into a liquid-pouring configuration, thereby eliminating the possibility of spilling the liquid onto the user's hand.

Thus it is understood that Applicant's invention is more than Caverly with the curved surface of the second foot being formed seamlessly with the curvature of the outward wall of the

sidewall. As currently amended, claim 1 defines over Caverly by pointing out that the device, when tilted, causes a forward flow of liquid and that the user's hand is safely positioned to the rear of said forward flow.

The amendments to the specification and claims are many in form but not extensive in substance; Applicant has merely used the terms "front," "front surface," "back," and "back surface" to make the specification and claims easier to interpret. For example, the curvature of the front surface of the sidewall of the base is easily understood whereas a reference to "an outward wall" of said sidewall is more obscure. Similarly, a reference to the back surface of the sidewall of the base is more easily understood than a reference to an "inward wall."

Allowable Subject Matter

4. Claims 2 and 3 are indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 1 as currently amended includes the limitations of now-cancelled claim 2 and the base claim (claim 1) and is therefore now in condition for allowance. Claim 3 is amended to depend from claim 1, currently amended, so it is also in condition for allowance. New claims 4-6 are also in condition for allowance for the reasons provided in connection with the discussion of the Caverly contribution.

Conclusion

5. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

6. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

By: 

Ronald E. Smith

Suite 220

15950 Bay Vista Drive

Clearwater, FL 33760

(727) 507-8558

Attorneys for Applicant

Dated: March 25, 2005

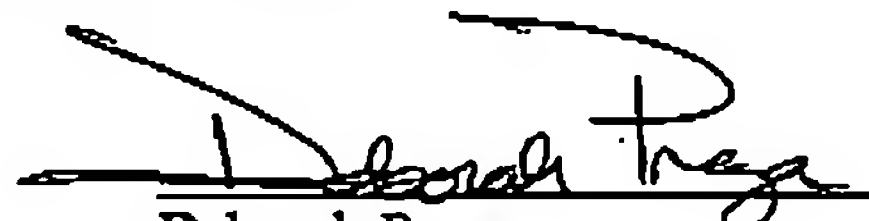
pc: Mr. Patrice R. Dionne

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3754, Attn: Mr. Joseph A. Kaufman, (703) 872-9306, on March 25, 2005.

Dated: March 25, 2005


Deborah Preza